

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF SOUTH CAROLINA

BEAUFORT DIVISION

Selena Nelson

Plaintiff,

-VS-

Beaufort County Sheriff's Office,
Lieutenant Brian Baird, and Sheriff P.J.
Tanner, individually and in their official
capacity,

Defendants.

) CIVIL ACTION NO.:9:18-CV-
) 2962-DCN-MHC

DEFENDANTS MOTION FOR
SUMMARY JUDGEMENT

TO: All Counsel of Record

YOU WILL PLEASE TAKE NOTICE THAT the Defendants will move on the tenth day after service hereof, or as soon thereafter as counsel may be heard, for an Order of this Court granting Summary Judgment upon the following claims raised by the Plaintiff:

This motion is made pursuant to Rule 56 of the Federal Rules of Civil Procedure, and upon the grounds.

1. The Plaintiff has asserted claims of discriminatory conduct against the Beaufort County Sheriff's Office on the basis of race and sexual orientation. The Plaintiff additionally alleges that she was subjected to a hostile work environment and was terminated her because of her race and sexual orientation. However, the Plaintiff can point to no

evidence of such discriminatory conduct or harassment to create a genuine issue of material fact for the jury.. Furthermore, the Sheriff had a legitimate non-discriminatory basis for termination of the Plaintiff, in that she was deemed to have been deceptive during the course of an internal affairs investigation.

2. The Plaintiff has failed to provide any evidence to support her claim of either Harassment or a Hostile Work environment on the basis of her race or sexual orientation in violation of Title VII.
3. The Plaintiff asserts against Defendant Baird and Tanner a claim for a violation for due process under 42 USC 1983 for terminating her without a right to be heard or a right to contest the allegations against her. The Plaintiff is an at-will employee and has no protectable property interest in her at-will employment.
4. Plaintiff cannot point to any evidence sufficient to create a question of fact for the jury that the Plaintiff's termination was the result of disparate treatment or that the Plaintiff was discriminated on the basis of her race or sex, in violation of her equal protection rights in violation of 42 USC 1983.
5. Plaintiff has failed to state a claim for which relief may be granted because she has failed to present evidence of a state law defamation claim against Baird and Tanner

This motion shall be based upon the statutory and common laws of the State of South Carolina, the Federal Rules of Civil Procedure, the pleadings, affidavits and discovery documents exchanged herein.

HOWELL, GIBSON & HUGHES, P.A.

By: s/Mary Bass Lohr
Mary Bass Lohr
PO Box 40
Beaufort, SC 29901-0040
(843) 522-2400
Attorney for Defendants

Beaufort, South Carolina

March 10, 2021

RULE 11 CERTIFICATION

I certify pursuant to Rule 11 of the South Carolina Rules of Civil Procedure that

- ☐ I have consulted with opposing counsel and have been unable to resolve the matter.
- ☐ Consultation with opposing counsel would serve no useful purpose, or is not required.
- ☐ Consultation with opposing counsel could not be timely held
- ☒ I certify that there is no duty of consultation for the attached motion (to dismiss, for summary judgment, for new trial, for judgment NOV, in real estate foreclosures, or with pro se litigants.)